

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SSO-00 NSCE-00 INRE-00 EUR-25

SCA-01 CIAE-00 INR-10 NSAE-00 RSC-01 SS-20 NSC-10

JUSE-00 SEC-03 DRC-01 PRS-01 /092 W

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O R 302138Z NOV 73

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 4964

INFO AMEMBASSY SAN JOSE

C O N F I D E N T I A L NASSAU 1854

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION : ROBERT L. VESCO

BEGIN SUMMARY: COUNSEL FOR THE US CONCLUDED HIS REPLY TO DUPUCH'S SUBMISSION THAT VESCO HAS NO CASE TO ANSWER. VESCO ATTORNEYS REBUTTED BRIEFLY. COURT WAS ADJOURNED UNTIL 10:30 A.M., FRIDAY, DEC 7, AT WHICH TIME THE MAGISTRATE WILL HAND DOWN HIS DECISION. A REQUEST BY VESCO FOR RETURN OF HIS PASSPORT WAS TURNED DOWN. HE IS FREE TO TRAVEL WITHIN THE BAHAMAS AND DOES NOT HAVE TO APPEAR IN COURT TO HEAR THE DECISION. END SUMMARY.

1. WALLACE-WHITFIELD CONCLUDED HIS REPLY TO THE SUBMISSION THAT VESCO HAD NO CASE TO ANSWER IN A CALMER, MORE CONGENIAL ATMOSPHERE THAN HAS EXISTED ON PREVIOUS DAYS. THE MAGISTRATE KEPT HIS INTERRUPTIONS TO A MINIMUM.

2. AFTER BRIEF REBUTTAL STATEMENT BY SEN TURNQUEST, JUNIOR COUNSEL TO DUPUCH, MAGISTRATE WAS REMINDED BY TURNQUEST OF PROMISE OSADEBAY HAD APPARENTLY MADE TO ALL COUNSEL IN CHAMBERS BEFORE OPENING OF TODAY'S SESSION, VIZ. THAT IF COUNSEL COMPLETED ARGUMENTS BY LUNCHTIME, MAGISTRATE WOULD ISSUE RULING AT 5:00 P.M. NOVEMBER 30. IN SUDDEN CHANGE OF SIGNALS, OSADEBAY INFORMED TURNQUEST HE "WOULD HAVE TO BREAK THAT PROMISE."
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ISE." HE TOLD A STUNNED TURNQUEST THAT HE WANTED TO ISSUE A FULL, WRITTEN RULING ON THE MOTION TO DISMISS, AND WOULD NEED TIME TO STUDY THE LEGAL REFERENCES AND DRAFT HIS RULING. MAGISTRATE SUGGESTED FRIDAY, DEC 7, AS APPROPRIATE TIME FOR HIM TO ISSUE RULING. TURNQUEST SUGGESTED THAT MAGISTRATE MERELY GIVE OUTLINE OF DECISION NOV 30 AND SUPPLY WRITTEN RULING LATER. OSADEBAY WAS ADAMANT THAT HE NEEDED MORE TIME. COMMENT: ONE OBSERVER HYPOTHESIZED THAT MAGISTRATE MIGHT BE GETTING COLD FEET AT PROSPECT OF RULING AGAINST USG UNLESS HE HAD UNIMPEACHABLE REASONING BEHIND HIM.

3. VESCO WAS VISIBLY DISAPPOINTED AT DELAY. DUPUCH MOVED THAT MAGISTRATE RETURN VESCO'S PASSPORT SO HE COULD TRAVEL TO TAKE CARE OF HIS VARIED BUSINESS INTERESTS. MAGISTRATE SAID HE DID NOT WANT VESCO TO LEAVE HIS JURISDICTION, ALTHOUGH IF VESCO WANTED TO WAIVE HIS RIGHT TO APPEAR DEC 7 TO HEAR THE RULING, AND GAVE UNDERTAKING TO APPEAR IN COURT WHENEVER SUMMONED, MAGISTRATE WOULD PERMIT HIM TO TRAVEL THROUGHOUT THE BAHAMAS. THIS WASN'T GOOD ENOUGH FOR VESCO, APPARENTLY, WHO CLAIMED TO HAVE HAD A RECENT OPERATION WHICH NECESSITATED THE REMOVAL OF SUTURES BY HIS PERSONAL PHYSICIAN IN COSTA RICA. OSADEBAY WAS UNIMPRESSED. THUS VESCO MUST REMAIN IN THE BAHAMAS FOR AT LEAST ANOTHER WEEK, BUT PROBABLY WILL NOT BE PRESENT NEXT FRIDAY IN COURT TO HEAR THE RULING.
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